

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09cv124**

**THIS MATTER** is before the Court on the Commissioner's motion, pursuant to sentence four of 42 U.S.C. section 405(g), to enter a judgment reversing the Commissioner's decision with a remand of the cause to the Commissioner for further administrative proceedings. Upon remand to the Commissioner, the administrative law judge (ALJ) will be instructed to update the medical record, conduct a new hearing, and issue a new decision. Further, the ALJ shall be directed to weigh the medical opinions from Drs. Holmes, McNaulty, and Gregory. In so doing, the ALJ shall also explain the reasons for the weight afforded.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. section 405(g), and in light of the Commissioner's request to remand this action for further proceedings, the Commissioner's decision is hereby:

**REVERSED** under sentence four of 42 U.S.C. section 405(g), with a remand of the cause to the Commissioner for further proceedings. See *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of

Civil Procedure. As there remains no justiciable dispute pending between the parties, upon the Clerk's entry of judgment, the Court's jurisdiction over this case shall terminate except for purposes of consideration and determination of motions for attorney's fees, including any motion for such fees under the Equal Access to Justice Act.

**SO ORDERED.**

Signed: October 15, 2009

  
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Robert J. Conrad, Jr.  
Chief United States District Judge  
